

Remarks

In complete response to the Office Action of September 1, 2004, on the above-identified application, reconsideration is respectfully requested. Claims 16-59 are pending. Applicants have amended Claims 16, 28, 30, 38-40, 42, 44, 46, 48, 51, 53, 54, and 59 to further define the invention.

Election/Restrictions

In response to the requirement for restriction, Applicants provisionally elect, with traverse, the invention of Group II, 37-49, and 53-59, drawn to a composition comprising a self-reversible invert latex and method of producing, classified in class 524, subclass 800+.

The Examiner requested a restriction under 35 U.S.C. 121, between the following allegedly distinct inventions:

- I. Claims 17-36, and 50-52, drawn to a cationic polyelectrolyte composition, process of producing, and use thereof, classified in class 526, subclass 303.1+
- II. Claims 37-49, and 53-59, drawn to a self-reversible invert latex and method of producing, classified in class 524, subclass 800+.

The Examiner indicates the inventions are distinct from each other because Inventions I and II are related as mutually exclusive species in an intermediate-final product relationship and the intermediate product is useful to make other final products.

Applicants respectfully assert that a restriction requirement under 35 U.S.C. 121 is not proper because all claims of the current application satisfy the unity of invention requirements under PCT Rule 13.

The current application is the national stage of a PCT application submitted under 35 U.S.C. 371. As indicated in section 1893.03(d) of the MPEP, unity of invention (not restriction) practice is applicable in national stage applications submitted under 35 U.S.C. 371. The unity of invention requirement is fulfilled "only when there is a technical relationship among those inventions involving one or

more of the same or corresponding special technical features.” PCT Rule 13.2, see *also* MPEP Appendix AI, Annex B, Part 1, (b).

The Examiner’s restriction requirement is respectfully traversed because the two groups of the current application, as currently claimed, are **linked to form a single general inventive concept** with a technical relationship among the claims that involve at least one common or corresponding special technical feature.

The PCT Administrative Instructions contained in Appendix AI of the MPEP illustrates the principle of unity of invention of the current application. MPEP Appendix AI, Annex B, Part 1(g)(ii) states:

(ii) Unity of invention shall be considered to be present in the context of intermediate and final products where the following two conditions are fulfilled:

(A) the intermediate and final products have the same essential structural element, in that:

(1) the basic chemical structures of the intermediate and the final products are the same, or

(2) the chemical structures of the two products are technically closely interrelated, the intermediate **incorporating an essential structural element into the final product**, and

(B) the intermediate and final products are **technically interrelated**, this meaning that the final product is manufactured directly from the intermediate or is separated from it by a small number of intermediates all containing the same essential structural element.

Claims 16-36 and 50-51 of the current application claim a cationic polyelectrolyte composition (the intermediate product). Claims 37-49, as amended, claim a **technically related final product** composition that is formed by using a cationic polyelectrolyte composition to form an emulsifying agent, and specifically to form a self-reversible invert latex emulsifying agent. Claim 52 claims a method of preparing a cationic polyelectrolyte composition. Claims 53-59, as

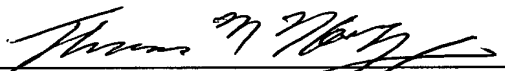
amended, claim a method of preparing a self-reversible invert latex emulsifying agent using the cationic polyelectrolyte composition. The **common technical feature** is the presence of the **cationic polyelectrolyte composition** in all claims. Thus, the current application satisfies the unity of invention requirement.

Conclusion

In view of the forgoing, Applicants respectfully request that the requirement be withdrawn. Early and favorable consideration of the subject application is respectfully requested.

Should the Examiner believe that a telephone call would expedite prosecution of this application, she is invited to call Linda K. Russell at the number listed below.

Respectfully submitted,

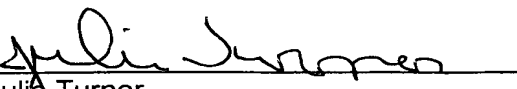

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Julie Turner